

PLYMOUTH, ss

SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT OF THE
COMMONWEALTH OF
MASSACHUSETTS

NO:

1883CV00924

Alec W. Walsh P.P.A. by his mother
and friend Debra Walsh Plaintiff(s)
VS

Commonwealth of Massachusetts Division of Administrative Appeals
Law Appeals Bureau of special education appeals Defendant(s)
(Decision Silver Lake Regional School District)
COMPLAINT FOR APPEAL FROM FINAL DECISION OF AGENCY
IN ADJUDICATORY PROCEEDING PURSUANT TO G.L. CH. 30A SECTION 14

1. The plaintiff resides

at 27 Meeting House Rd, Kingston, MA

FILED
COMMONWEALTH OF MASSACHUSETTS
SUPERIOR COURT DEPT. OF THE TRIAL COURT
PLYMOUTH COUNTY

AUG 29 2018

2. The defendant agency has as its principal place of
business One Congress St., 11th Floor, Boston, MA

[Signature]
Clerk of Court

3. The plaintiff received notice of the final decision of the defendant agency on August 6, 2018
via USPS left at plaintiff's residence.

4. The plaintiff is aggrieved by the final decision of the agency for the following reasons:

- Substantial evidence and testimony was not taken into consideration
by the hearing Officer, with statements in the decision unsupported.
 - Testimony of both ^{Expert} physicians were extensive and supportive in law
and of importance in the case in support of an extended day curriculum
residential placement for the Plaintiff.
- Enclosed with Complaint: A. Decision dated August 2, 2018
B. Hearing transcript Day 1 & 2
June 29, & July 10, 2018

5. The plaintiff contends that he is entitled to relief on the following ground or grounds:

☐ (a) In violation of constitutional provisions; or

☐ (b) In excess of statutory authority or jurisdiction of the agency; or

☐ (c) Based upon an error of law; or

☐ (d) Made upon unlawful procedure; or

☒ (e) Unsupported by substantial evidence; or

☒ (f) Arbitrary or capricious, an abuse of discretion, or otherwise not in accordance with law.

6. Wherefore, the plaintiff demands judgment against the defendant and for such other relief as to said Court may seem meet and just:

Date:

8/29/18 *DN*

NAME:

Debra Walsh for Alec W. Walsh


ADDRESS

27 Meeting House Rd.
Kingston, MA 02364

PHONE:

781-760-2385

email: dbrwalsh@verizon.net

Summons		CIVIL DOCKET NO. 1883CV00924	Trial Court of Massachusetts The Superior Court	
CASE NAME: Debra Walsh PPA Alec W. Walsh Plaintiff(s)			Robert S. Creedon, Jr. Clerk of Courts Plymouth County	
vs. Commonwealth of Massachusetts Division of Administrative Law Appeals Bureau of Special Education Appeals Silver Lake Regional School District Defendant(s)			COURT NAME & ADDRESS: Brockton Superior Court 72 Belmont Street Brockton, MA 02301	

THIS SUMMONS IS DIRECTED TO Silver Lake Regional School District
 (Defendant's name)

You are being sued. The Plaintiff(s) named above has started a lawsuit against you. A copy of the Plaintiff's Complaint filed against you is attached to this summons and the original complaint has been filed in the Superior Court.

YOU MUST ACT PROMPTLY TO PROTECT YOUR RIGHTS.

1. You must respond to this lawsuit in writing within 20 days.

If you do not respond, the court may decide the case against you and award the Plaintiff everything asked for in the complaint. You will also lose the opportunity to tell your side of the story. You must respond to this lawsuit in writing even if you expect to resolve this matter with the Plaintiff. If you need more time to respond, you may request an extension of time in writing from the Court.

2. How to Respond.

To respond to this lawsuit, you must file a written response with the court and mail a copy to the Plaintiff's Attorney (or the Plaintiff, if unrepresented). You can do this by:

- a) Filing your signed original response with the Clerk's Office for Civil Business, Brockton Superior Court
 72 Belmont Street, Brockton, MA 02301 (address), by mail or in person **AND**
- b) Delivering or mailing a copy of your response to the Plaintiff's Attorney/Plaintiff at the following address:

3. What to Include in Your Response.

An "Answer" is one type of response to a Complaint. Your Answer must state whether you agree or disagree with the fact(s) alleged in each paragraph of the Complaint. Some defenses, called affirmative defenses, must be stated in your Answer or you may lose your right to use them in court. If you have any claims against the Plaintiff (referred to as counterclaims) that are based on the same facts or transaction described in the Complaint, then you must include those claims in your Answer. Otherwise, you may lose your right to sue the Plaintiff about anything related to this lawsuit. If you want to have your case heard by a jury, you must specifically request a jury trial in your court no more than 10 days after sending your Answer.

3 (cont). You can also respond to a Complaint by filing a "Motion to Dismiss," if you believe that the complaint is legally invalid or legally insufficient. A Motion to Dismiss must be based on one of the legal deficiencies or reasons listed under Mass. R. Civ. P. 12. If you are filing a Motion to Dismiss, you must also comply with the filing procedures for "Civil Motions" described in the rules of the Court in which the complaint was filed, available at:

www.mass.gov/courts/case-legal-res/rules_of_court

4. Legal Assistance.

You may wish to get legal help from a lawyer. If you cannot get legal help, some basic information for people who represent themselves is available at www.mass.gov/courts/selfhelp.

5. Required Information on All Filings:

The "civil docket number" appearing at the top of this notice is the case number assigned to this case and must appear on the front of your Answer or Motion to Dismiss. You should refer to yourself as the "Defendant."

Witness Hon. Judith Fabricant, Chief Justice on November 28, 2018. (Seal)

Clerk-Magistrate 

Note: The number assigned to the Complaint by the Clerk-Magistrate at the beginning of the lawsuit should be indicated on the summons before it is served on the Defendant.

PROOF OF SERVICE OF PROCESS

I hereby certify that on _____, I served a copy of this summons, together with a copy of the complaint in this action, on the defendant named in this summons, in the following manner (See Mass. R. Civ. P. 4(d)(1-5)):

Dated: _____

Signature: _____

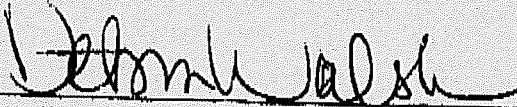
N.B. TO PROCESS SERVER:

PLEASE ENTER THE DATE THAT YOU MADE SERVICE ON THE DEFENDANT IN THIS BOX - BOTH ON THE ORIGINAL SUMMONS AND ON THE COPY OF THE SUMMONS SERVED ON THE DEFENDANT.

Date: _____

Certificate of Service

I hereby certify that a that a true copy of this this document was served upon the attorney(s)
of record for each other party by mail ~~(by hand)~~ on 11/28/18
(date)


Signature

PLYMOUTH, ss

SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT OF THE
COMMONWEALTH OF
MASSACHUSETTS
NO:

Alec W. Walsh P.P.A. by his mother
and friend Debra Walsh Plaintiff(s)
VS

Commonwealth of Massachusetts Division of Administrative Appeals
Law Appeals Bureau of Special Education Appeals Defendant(s)
(Decision Silver Lake Regional School District)
COMPLAINT FOR APPEAL FROM FINAL DECISION OF AGENCY
IN ADJUDICATORY PROCEEDING PURSUANT TO G.L. CH. 30A SECTION 14

1. The plaintiff resides

at 27 Meeting House Rd, Kingston, MA 02364

2. The defendant agency has as its principal place of business

One Congress St., 11th Floor, Boston, MA 02114

3. The plaintiff received notice of the final decision of the defendant agency on August 6, 2018
via USPS Left at plaintiff's residence.

4. The plaintiff is aggrieved by the final decision of the agency for the following reasons:

- Substantial evidence and testimony was not taken into consideration
by the hearing officer, with statements in the decision unsupported.
- Testimony of both ^{expert} physicians were extensive and supportive in law
and of importance in the case in support of an extended day curriculum
residential placement for the Plaintiff.

Enclosed with Complaint: A. Decision dated August 2, 2018

B. Hearing transcript Day 1 & 2
June 29, & July 10, 2018

PLYMOUTH, ss

SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT OF THE
COMMONWEALTH OF
MASSACHUSETTS

Alec W. Walsh P.P.A. by his mother
and Friend Debra Walsh Plaintiff(s)

vs
Commonwealth of Massachusetts Division of Administrative
Law Appeals, Bureau of Special Education Appeals; Silver Lake
Regional School District Defendant(s)

Amended COMPLAINT FOR APPEAL FROM FINAL DECISION OF AGENCY
IN ADJUDICATORY PROCEEDING PURSUANT TO G.L. CH. 30A SECTION 14

1. The plaintiff resides

at 27 Meeting House Rd, Kingston, MA 02364

2. The defendant agency has as its principal place of
business

Bureau of Special Education Appeals, One Congress St. 11th Fl, Boston, MA. 02114
SLRSD 850 Pembroke St., Kingston, MA. 02364

3. The plaintiff received notice of the final decision of the defendant agency on August 6, 2018
via USPS left at residence.

4. The plaintiff is aggrieved by the final decision of the agency for the following reasons:

- Substantial evidence and testimony that was relevant was not taken into consideration along with statements in the decision unsupported.
- Expert witness testimony of both physicians were supportive, and of falling under educational laws which prohibit an extended day curriculum/residential placement for the Plaintiff/Student.

Enclosed with original complaint. A. Decision... dated August 2, 2018
(Copies enclosed for SLRSD as amended) B. Hearing transcript Day 1 & 2
June 29, & July 10, 2018

5. The plaintiff contends that he is entitled to relief on the following ground or grounds:

- ☐ (a) In violation of constitutional provisions; or
- ☐ (b) In excess of statutory authority or jurisdiction of the agency; or
- ☐ (c) Based upon an error of law; or
- ☐ (d) Made upon unlawful procedure; or
- ☒ (e) Unsupported by substantial evidence; or
- ☒ (f) Arbitrary or capricious, an abuse of discretion, or otherwise not in accordance with law.

6. Wherefore, the plaintiff demands judgment against the defendant and for such other relief as to said Court may seem meet and just.

Date: 11/22/18

NAME: Debra Walsh for Alec W. Walsh

ADDRESS 27 Meeting House Rd.
Kingston, MA 02364

PHONE: 781-760-2385

email: dbwalsh@verizon.net